

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S) : Sommers et al.
FOR : **METHOD AND APPARATUS FOR TRI-COLOR RAIL SIGNAL SYSTEM WITH CONTROL**
SERIAL NO. : 10/753,580
FILED : January 8, 2004
EXAMINER : Daniel Previl
ART UNIT : 2612
CONFIRMATION NO. : 6610
ATTORNEY DOCKET NO. : GLOZ 2 00153 / 133821

**PETITION TO WITHDRAW NOTICE OF ABANDONMENT
IMPROPERLY ISSUED**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22312-1450

Dear Sir:

The above-identified application became abandoned for failure to file a timely and proper reply to a notice of action by the United States Patent and Trademark Office. The date of abandonment one day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

Applicants hereby petition for withdrawal of the Notice of Abandonment. The response to an Office Action mailed May 17, 2007 in the form of an Amendment was timely filed on August 17, 2007.

A grantable petition requires the following items:

1. **Prompt notification to the Office of the previous transmission of the Response.**

Applicant(s) received the Notice of Abandonment December 17, 2007, and are

now notifying the Office of the earlier response.

2. **Copy of the previously transmitted Correspondence.**

The reply and/or fee to the above-noted Office Action in the form of an Amendment, and including the PTO date-stamped return postcard are enclosed.

3. **Statement which attests, on a personal knowledge basis, that the Correspondence was filed in a timely manner.**

A Statement signed by Laurie A. Boylan, the signator of the Certificate of Mailing is attached as Exhibit A.

No fees are believed due with submission of this Petition; however, should any fees be deemed necessary, please charge any and all fees or credit any overpayment to Deposit Account No. 06-0308.

Respectfully submitted,

FAY SHARPE LLP



John M. Ling, Reg. No. 51,216
1100 Superior Avenue, Seventh Floor
Cleveland, OH 44114-2579
216-861-5582

1/9/08
Date

Enclosures: **Copy of Originally Transmitted Response**
PTO date-stamped return postcard
Statement of Laurie A. Boylan

CERTIFICATE OF MAILING OR TRANSMISSION	
I hereby certify that this correspondence (and any item referred to herein as being attached or enclosed) is (are) being <input type="checkbox"/> deposited with the United States Postal Service as First Class Mail, addressed to: Mail Stop None, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. <input checked="" type="checkbox"/> transmitted to the USPTO by electronic transmission via EFS-Web on the date indicated below.	
Express Mail Label No.:	Signature: <i>Laurie A. Boylan</i>
Date: <i>January 9, 2008</i>	Name: Laurie A. Boylan